

April 14, 1993
REPORT TO THE COMMITTEE
ON TRANSPORTATION AND LAND USE

CODE ENFORCEMENT CHAPTER ONE UPDATE--REVISIONS AND
REORGANIZATION
OF THE MUNICIPAL CODE

A preliminary plan to reorganize the enforcement of the Municipal Code was jointly presented by the City Manager and my office at the November 23, 1992 meeting of this Committee. This plan to streamline administrative enforcement procedures and hearings is directed primarily at Chapter One of the Municipal Code. The reorganization plan was approved and my office was directed to draft an ordinance. Today we present that draft ordinance to you as Exhibit 2. It is a voluminous document that creates new laws and revises many others.

Since presenting our reorganization plan, my Code Enforcement Unit has thoroughly reviewed the code enforcement procedures throughout the Municipal Code. The areas reviewed include administrative abatement, civil penalties, administrative citations, liens and other cost recovery mechanisms. The state's administrative hearing procedures were also researched. In addition, the recommendations of the Neighborhood Code Compliance Department, Fire Prevention Bureau, Building Inspection and Waste Management Departments were taken into account in our draft ordinance.

The reorganization and revision of Chapter One of the Municipal Code was an enormous assignment. Our primary mission was to consolidate our administrative enforcement procedures into Chapter One of the Municipal Code. We have succeeded in streamlining code enforcement procedures. We have gone from a situation where administrative remedies contained different procedures and requirements to a unified system in Chapter One of the Municipal Code. This reorganization will clarify ambiguities, avoid repetition, and promote uniformity. Because the ordinance is so lengthy and complex, we have attached Exhibit 1 to highlight and summarize the most significant changes.

More formal administrative hearing procedures will be

adopted by the City Manager to complement the new ordinance. Your Committee approved a preliminary draft of these procedures on November 23, 1992. The City Manager will promulgate these procedures as part of his Administrative Regulations and policies once the amendment before you becomes law.

By promulgating these procedures and adopting this ordinance, our Municipal Code will be more unified, consistent and easier to administer. It will also balance our ability to enforce the Code with our duty to provide citizens with due process. As a consequence, we foresee that we will be better able to defend lawsuits.

A next step in reviewing the Municipal Code would be to examine sections outside Chapter One which are peripherally related to code enforcement because they use administrative abatement procedures. I would like to make those sections consistent with the new procedures embodied in Chapter One. We have had to defer this plan due to shortage of staff. More than sixty additional sections of the Municipal Code could be amended to conform to the new procedures in Chapter One. These sections are rarely used and some are outdated. They involve unusual cases such as bee abatement. A list of the peripheral sections is attached as Exhibit 3.

Respectfully submitted,

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Attachment

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